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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/777,543

02/06/2001

Shinya Furusawa

14292

7216

23389

7590

05/25/2005

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GARDEN CITY, NY 11530

EXAMINER

CRAIG, DWIN M

ART UNIT

PAPER NUMBER

2123

DATE MAILED: 05/25/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Notice of Non-Compliant  
Amendment (37 CFR 1.121)**

Application No.

09/777,543

Examiner

Dwin M Craig

Applicant(s)

FURUSAWA, SHINYA

Art Unit

2123

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

The amendment document filed on 26 January 2005 is considered non-compliant because it has failed to meet the requirements of 37 CFR 1.121. In order for the amendment document to be compliant, correction of the following item(s) is required.

THE FOLLOWING MARKED (X) ITEM(S) CAUSE THE AMENDMENT DOCUMENT TO BE NON-COMPLIANT:

☒ 1. Amendments to the specification:

☐ A. Amended paragraph(s) do not include markings.

☐ B. New paragraph(s) should not be underlined.

☒ C. Other See Continuation Sheet.

☐ 2. Abstract:

☐ A. Not presented on a separate sheet. 37 CFR 1.72.

☐ B. Other \_\_\_\_\_.

☐ 3. Amendments to the drawings:

☐ A. The drawings are not properly identified in the top margin as "Replacement Sheet," "New Sheet," or "Annotated Sheet" as required by 37 CFR 1.121(d).

☐ B. The practice of submitting proposed drawing correction has been eliminated. Replacement drawings showing amended figures, without markings, in compliance with 37 CFR 1.84 are required.

☐ C. Other \_\_\_\_\_.

☐ 4. Amendments to the claims:

☐ A. A complete listing of all of the claims is not present.

☐ B. The listing of claims does not include the text of all pending claims (including withdrawn claims)

☐ C. Each claim has not been provided with the proper status identifier, and as such, the individual status of each claim cannot be identified. Note: the status of every claim must be indicated after its claim number by using one of the following status identifiers: (Original), (Currently amended), (Canceled), (Previously presented), (New), (Not entered), (Withdrawn) and (Withdrawn-currently amended).

☐ D. The claims of this amendment paper have not been presented in ascending numerical order.

☐ E. Other: \_\_\_\_\_.

For further explanation of the amendment format required by 37 CFR 1.121, see MPEP § 714 and the USPTO website at <http://www.uspto.gov/web/offices/pac/dapp/opla/preognotice/officeflyer.pdf>.

**TIME PERIODS FOR FILING A REPLY TO THIS NOTICE:**

1. Applicant is given **no new time period** if the non-compliant amendment is an after-final amendment or an amendment filed after allowance. If applicant wishes to resubmit the non-compliant after-final amendment with corrections, the **entire corrected amendment** must be resubmitted within the time period set forth in the final Office action.
2. Applicant is given **one month**, or thirty (30) days, whichever is longer, from the mail date of this notice to supply the **corrected section** of the non-compliant amendment in compliance with 37 CFR 1.121, if the non-compliant amendment is one of the following: a preliminary amendment, a non-final amendment (including a submission for a request for continued examination (RCE) under 37 CFR 1.114), a supplemental amendment filed within a suspension period under 37 CFR 1.103(a) or (c), and an amendment filed in response to a *Quayle* action.

**Extensions of time** are available under 37 CFR 1.136(a) only if the non-compliant amendment is a non-final amendment or an amendment filed in response to a *Quayle* action.

**Failure to timely respond** to this notice will result in:

**Abandonment** of the application if the non-compliant amendment is a non-final amendment or an amendment filed in response to a *Quayle* action; or

**Non-entry** of the amendment if the non-compliant amendment is a preliminary amendment or supplemental amendment.

Continuation of 1(c) Other: Failure to provide a statement that no new matter has been added to the specification. See 37 CFR 1.125.

### DETAILED ACTION

1. Claims 1-30 have been presented for reconsideration based on Applicant's Amended claim language and arguments.

#### Response to Amendment

2. The reply filed on 1-26-2005 is not fully responsive to the prior Office Action because of the following omission(s) or matter(s): Applicant has failed to provide a statement that the newly submitted replacement specification contains no new matter, *see MPEP 608.01(q) and 37 CFR 1.125*. See 37 CFR 1.111. Since the above-mentioned reply appears to be *bona fide*, applicant is given **ONE (1) MONTH or THIRTY (30) DAYS** from the mailing date of this notice, whichever is longer, within which to supply the omission or correction in order to avoid abandonment. EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136(a).

2.1 It is respectfully submitted that Applicant review the following;

#### PATENT RULES

Section 1.125 Substitute specification.

(b) Subject to § 1.312, a substitute specification, excluding the claims, may be filed at any point up to payment of the issue fee if it is accompanied by a statement that the substitute specification includes no new matter.

2.2 The substitute specification filed 1-26-2005 has not been entered because it does not conform to 37 CFR 1.125(b) and (c) because: the Applicant failed to provide a statement that the newly submitted replacement specification contains no new matter.

**Information Disclosure Statement**

3. Regarding Applicants request that the Examiner acknowledge the Information Disclosure Statement filed on June 14<sup>th</sup> 2004.

3.1 The Examiner has carefully reviewed the Information File Wrapper and discovered that the form PTO-1449 for the June 14<sup>th</sup> 2004 submission by the Applicant is missing. The Examiner notes that the United States Patent Office has recently converted over to an Electronic File Wrapper and that, on occasion, certain documents fail to be scanned or inserted into the prosecution record. The Examiner respectfully requests that the Applicant include an additional copy of the PTO-1449 that was originally provided with the June 14<sup>th</sup> 2004 IDS submission.

**Conclusion**

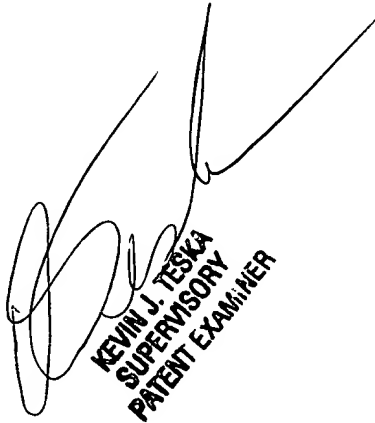
4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dwain M Craig whose telephone number is (571) 272-3710. The examiner can normally be reached on 10:00 - 6:00 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kevin Teska can be reached on (571)272-3716. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

DMC



KEVIN J. TESKA  
SUPERVISORY  
PATENT EXAMINER